

## MATTHEW G. WEBER

### Partner - Denver Office

Commercial Litigation  
Government Investigations and  
White Collar Defense  
Healthcare Finance  
Healthcare  
Corporate Governance and  
Compliance  
Complex Litigation

303-295-8565

mweber@hollandhart.com



### Experience

Mr. Weber has earned a national reputation as an effective advocate in the areas of healthcare fraud and abuse, healthcare finance, public healthcare programs, and commercial litigation. He has represented clients in matters involving provider disputes, Medicaid capitation rate setting, pharmaceutical issues, reimbursement, fraud and abuse, privacy, internal investigations, medical staff issues, and regulatory compliance. He is a frequent speaker at healthcare association conferences across the country.

Mr. Weber has received the highest AV rating by Martindale-Hubbell, and he co-chairs the firm's Healthcare Practice Group.

### Representative matters include the following:

- Representation of health plans challenging the soundness of Medicaid capitation rates resulting in several seven and eight figure recoveries.
- Defense of a large healthcare system to defeat a motion for temporary restraining order filed by a provider network challenging the termination of its relationship with the system.
- Lead attorney in comprehensive internal investigation and OIG self-disclosure for hospital system.
- Physician representation in connection with Medicaid Fraud Control Unit investigation.
- Entity representation in connection with self-disclosure of employment of excluded individual.
- Defense of health plan in large class action reimbursement dispute with network pharmacies. Developed and drafted successful motion strategy resulting in dismissal of majority of claims.

### Reported cases:

- *Central Oregon Independent Health Services, Inc. v. Oregon*, 156 P.3d 97 (2007) (successful appeal to reinstate suit over miscalculation of Medicaid capitation rates).
- *Rocky Mountain Health Maintenance Organization, Inc. v. Colorado Department of Health Care Policy and Financing*, 54 P.3d 913 (Colo. App. 2001) (seminal decision regarding breach of contract claims arising out of miscalculation of Medicaid capitation rates).
- *Moldea v. The New York Times Co.*, 22 F.3d 310 (D.C. Cir.) (assisted with case setting new standard to govern libel claims arising out of book reviews), *cert. denied*, 513 U.S. 875 (1994)

- *In re: Oliver L. North, et al.*, 16 F.3d 1234 (D.C. Cir. 1994) (assisted with obtaining order for release of Independent Counsel's Final Report in Iran-Contra investigation over objection by Mr. North).

## Speaking Engagements

"Tackling Waste, Fraud and Abuse: Where Do You Start?," HCCA Managed Care Compliance Conference, AZ (February 2010).

"Using Self-Disclosure to Resolve Compliance Problems," MGMA Southern Nevada Chapter (February 2010).

"Data Breach Response," MGMA Southern Nevada Chapter (December 2009).

"Electronic Records and Compliance," ACHE/HFMA Session at Nevada Hospital Association Annual Meeting (September 2009).

"Provider Auditing and Reporting to Reduce False and Errant Claims," 17th Annual Medicaid Managed Care Conference, MD (June 2009).

"Keys to Electronic Records Implementation Compliance," HCCA Annual Compliance Institute, NV (April 2009).

"HIPAA Changes Made by the Economic Stimulus Package, Electronic Records and Compliance," Colorado Hospital Association (April 2009).

"Compliance and Electronic Records," Utah Hospital Association Annual Meeting (April 2009).

"Compliance and Self-Disclosure," BCBSA Compliance Teleconference (April 2009).

"Effective Self-Disclosure," HCCA Managed Care Compliance Conference, AZ (February 2009).

"The Nuts and Bolts of Self-Disclosure," AHLA Physician and Physician Organizations and Hospitals and Health Systems Law Institutes, AZ (February 2009).

"The Role of Self-Disclosure in Managing Compliance Risk," Trends in Healthcare Compliance and Enforcement Seminar, NV (January 2009).

"Compliance and Self-Disclosure," Florida Association of Health Plans Annual Conference (October 2008).

"Risk Adjustment: Equalizer or Sanction?" Florida Association of Health Plans Annual Conference (October 2007).

"Actuarial Soundness: It's Your Business," Medicaid Health Plans of America, Annual Conference, NV (October 2006).

"Where Does California Medical Association v. Bonta leave MCOs?" California Association of Health Plans 20th Annual Conference (October 2005).

"Securing Actuarially Sound Capitation Rates," Massachusetts Association of Health Plans (May 2004).

"Securing Actuarially Sound Capitation Rates," Pennsylvania Managed Care Association (May 2004).

"Securing Actuarially Sound Capitation Rates," California Association of Health Plans (December 2003).

"Securing Actuarially Sound Capitation Rates," Wisconsin Association of Health Plans (November 2003).

Panel Discussion regarding Capitation Rate Setting, Texas Association of Health Plans, Annual Conference (October 2003).

"Securing Adequate Capitation Rates," National Association of Urban-Based HMOs Board Meeting, D.C. (February 2003).

"Succeeding in Medicaid Managed Care: Making the Case for Appropriate State Funding," AAHP Institute and Display Forum, CA (June 2001).

"Strategies to Secure Appropriate State Funding," AAHP Medicaid Conference, D.C. (October 2001).

## Publications

*H1N1 and Health Information Privacy*, Holland & Hart News Update with William Fischer, September 2009.

"Self Disclosure: How To Manage the Risk of Medicare Fraud and Abuse," MGMA Connexion, September 2009.

*OIG Narrows Self-Disclosure Protocol*, Holland & Hart News Update, April 2009.

"The Role of Internal Investigations and Self-Disclosure in Effective Compliance Programs," with Armin Sarabi, Compliance Today, November 2008.

"Responding to Health Care Fraud and Abuse Investigations," Inside the Minds Series, Aspatore Books (Fall 08).

Author, Medicaid Litigation section of ABA treatise, Managed Care Litigation, published by BNA (2005), Supplements (2007 and 2009).

Author, "Media Liability for Publication of Advertising: When to Kill the Messenger," 68 Den. U.L. Rev. 57 (1991).

### Professional Activities

Listed in "Who's Who in America" and "Who's Who in American Law"

Member, ABA Litigation and Health Law Sections

Member, American Health Lawyers Association

Member, Health Care Compliance Association

Member, Healthcare Financial Management Association

Mr. Weber is admitted to practice in the federal and state courts of Colorado and the District of Columbia, as well as the United States Supreme Court.

### Education

Northwestern University School of Law (J.D., 1988)

Editorial Board Member, Law Review

Jessup International Moot Court

Colorado College (B.A., *magna cum laude*, 1985)

Phi Beta Kappa